

[FR Doc. 95-3080 Filed 2-7-95; 8:45 am]

BILLING CODE 4310-55-P

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 731-TA-677 (Final)]

**Coumarin from the People's Republic of China****Determination**

On the basis of the record<sup>1</sup> developed in the subject investigation, the Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from the People's Republic of China of coumarin,<sup>2</sup> provided for in subheading 2932.21.00 of the Harmonized Tariff Schedule of the United States, that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV). Chairman Watson, Vice Chairman Nuzum, and Commissioner Bragg find that critical circumstances exist with respect to subject imports from China. Commissioner Rohr, Commissioner Newquist, and Commissioner Crawford find that critical circumstances do not exist with respect to subject imports from China.

**Background**

The Commission instituted this investigation effective August 2, 1994, following a preliminary determination by the Department of Commerce that imports of coumarin from the People's Republic of China were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1676b(b)). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by

publishing the notice in the **Federal Register** of August 24, 1994 (59 FR 43590). The hearing was held in Washington, DC, on December 13, 1994, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on February 1, 1995. The views of the Commission are contained in USITC Publication 2852 (February 1995), entitled "Coumarin from the People's Republic of China: Investigation No. 731-TA-677 (Final)."

Issued: February 3, 1995.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 95-3141 Filed 2-7-95; 8:45 am]

BILLING CODE 7020-02-P

[Investigation No. 337-TA-364]

**Certain Curable Fluoroelastomer Compositions and Precursors Thereof; Notice of Decision not to Review Initial Determination Finding a Violation of Section 337 and Schedule for the Filing of Written Submissions on Remedy, the Public Interest, and Bondings**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the initial determination (ID) issued on December 15, 1994, by the presiding administrative law judge (ALJ) in the above-captioned investigation finding a violation of section 337 in the importation into the United States and the sale within the United States after importation of certain curable fluoroelastomer compositions and precursors thereof.

**FOR FURTHER INFORMATION CONTACT:** Mark D. Kelly, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-205-3106. Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the

Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** On March 16, 1994, the Commission instituted an investigation of a complaint filed by Minnesota Mining and Manufacturing Company ("3M") under section 337 of the Tariff Act of 1930. The complaint alleged that Ausimont, S.p.A., of Milan, Italy, and Ausimont U.S.A., Inc., of Morristown, NJ, imported, sold for importation, or sold in the United States after importation certain curable fluoroelastomer compositions and precursors thereof that infringed certain claims of U.S. Letters Patent 4,287,320 ("the '320 patent"). The Commission's notice of investigation named as respondents Ausimont Italy and Ausimont U.S.A., each of which was alleged to have committed one or more unfair acts in the importation or sale of curable fluoroelastomer compositions and precursors thereof that infringe claims of the asserted patent.

The ALJ conducted an evidentiary hearing commencing on September 23, 1994, and issued his final ID on December 15, 1994. He found that: (1) The '320 patent is not invalid; (2) respondents' imported products infringe the claims in issue of the '320 patent; and (3) complainant 3M satisfied the economic requirements for existence of a domestic industry. Based upon his findings of validity, infringement, and domestic industry, the ALJ concluded that there was a violation of section 337.

Respondents filed a petition for review of the ALJ's findings on the questions of validity of the '320 patent and infringement. Complainant and the Commission investigative attorneys filed responses to the petition for review. No other petitions for review of the ID or government comments were received by the Commission.

In connection with final disposition of this investigation, the Commission may issue (1) an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) cease and desist orders that could result in respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or are likely to do so. For

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> For purposes of this investigation, coumarin is an aroma chemical with the chemical formula  $C_9H_6O_2$  that also known by other names, including 2H-1-benzopyran-2-one, 1, 2-benzopyrone, cis-o-coumarinic acid lactone, coumarinic anhydride, 2-Oxo-1, 2-benzopyran, 5, 6-benzo-alpha-pyrone, ortho-hydroxy-cinnamic acid lactone, cis-ortho-coumarinic acid anhydride, and tonka bean camphor. All forms and variations of coumarin are included within the scope of the investigation, such as coumarin in crystal, flake, or powder form, and "crude" or unrefined coumarin (i.e., prior to purification or crystallization). Excluded from the scope are ethylcoumarins ( $C_{11}H_{10}O_2$ ) and methylcoumarins ( $C_{10}H_8O_2$ ).

background, see the Commission Opinion, *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360.

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under a bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed, if remedial orders are issued.

#### Written Submissions

The parties to the investigation, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the Commission investigative attorneys are also requested to submit proposed remedial orders for the Commission's consideration. The written submissions and proposed remedial orders must be filed no later than the close of business on February 13, 1995. Reply submissions must be filed no later than the close of business on February 21, 1995. No further submissions will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 14 true copies thereof with the Office of the Secretary on or before the deadlines stated above. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such

treatment. See 19 C.F.R. 201.6. Documents for which confidential treatment is granted by the Commission will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and sections 210.53 and 210.58 of the Commission's Interim Rules of Practice and Procedure (19 C.F.R. 210.53 and 210.58).

Issued: February 2, 1995.

By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 95-3142 Filed 2-7-95; 8:45 am]

BILLING CODE 7020-02-P

### INTERSTATE COMMERCE COMMISSION

[Docket No. AB-52 (Sub-No. 81X)]

#### The Atchison, Topeka and Santa Fe Railway Company—Abandonment Exemption—in Cowley County, KS

The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) has filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon approximately 1.6 miles of main line from a common point at milepost 264.2 at the intersection of Chestnut Avenue and the centerline of the main line to be abandoned (1) southeasterly to Madison Avenue and (2) southwesterly to Washington Avenue, in Arkansas City, Cowley County, KS.

Santa Fe has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—

Abandonment—Goshen, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on March 10, 1995 (unless stayed pending reconsideration).<sup>1</sup> Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file offers of financial assistance under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking statements under 49 CFR 1152.29 must be filed by February 21, 1995.<sup>4</sup> Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by February 28, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Peter M. Olson, The Atchison, Topeka and Santa Fe Railway Company, 1700 East Golf Road, Schaumburg, IL 60173.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Santa Fe has filed an environmental report which addresses the abandonment's effects, if any, on the environmental or historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 13, 1995. Interested persons may obtain a copy of the EA from SEA by writing to it at (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEA at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days

<sup>1</sup> The notice of exemption incorrectly named February 12, 1995, as the transaction consummation date. The consummation date cannot be earlier than the notice's effective date (50 days from the filing date). This notice of exemption was scheduled to become effective on March 8, 1995, but this date was extended to March 10, 1995, because Santa Fe filed a corrected line description on February 1, 1995.

<sup>2</sup> A stay will be issued routinely where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental grounds is encouraged to file promptly so that the Commission may act on the request before the effective date.

<sup>3</sup> See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

<sup>4</sup> The Commission will accept late-filed trail use statements so long as it retains jurisdiction.